## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:23-cv-00178-KDB (5:21-cr-00083-KDB-DCK)

DONNA OSOWITT STEELE,	)
Petitioner,	)
vs.	) ) ORDER
UNITED STATES OF AMERICA,	)
Respondent.	)
	)

**THIS MATTER** is before the Court on Petitioner's Motion for Certificate of Appealability. [Doc. 4].

On December 17, 2021, Petitioner was charged in a Bill of Information with one count of wire fraud embezzlement scheme in violation of 18 U.S.C. § 1343. [Criminal Case No. 5:21-cr-00083 ("CR"), Doc. 1: Bill of Information]. She waived indictment and pleaded guilty to this charge. [CR Docs. 9, 10]. Petitioner was sentenced to a term of imprisonment of 96 months and ordered to pay over \$17 million in restitution. [CR Doc. 42]. On December 21, 2023, this Court denied and dismissed Petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. [Doc. 4]. By the same Order, the Court declined to issue a certificate of appealability, a ruling which renders this motion moot. [Id. at 16]. Petitioner now moves the Court for a certificate of appealability, despite the Court's previous decision not to issue one. The Court, therefore, will treat the pending motion as one asking the Court to reconsider its previous denial of a certificate of appealability.

After a thorough review of the record, the Court finds that its prior decision was and is correct as a matter of law. The Court appropriately denied the Petitioner a certificate of appealability. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38, 123 S.Ct. 1029 (2003) (to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong) (citations omitted). The Court, therefore, will deny the Petitioner's motion.

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion for a Certificate of Appealability [Doc. 4] is **DENIED**.

Signed: April 4, 2024

Kenneth D. Bell

United States District Judge